

REMARKS

This amendment is being filed in response to the Office Action having a mailing date of August 18, 2008. Various claims and the specification are amended as shown. No new matter has been added. Claims 1, 7, 9, 14, 20, and 24 were previously canceled without prejudice. With this amendment, claims 2-6, 8, 10-13, 15-19, 21-23, and 25-28 remain pending in the application.

I. Information disclosure statements (IDSs)

Two supplemental IDSs and the appropriate IDS fees were previously submitted on April 22, 2008 and July 30, 2008. However, Examiner-initialed copies of these previously filed IDSs have not yet been provided.

Accordingly, it is kindly requested that Examiner-initialed copies of these supplemental IDSs be provided along with the next communication, so as to confirm that the references listed therein have been entered into the record and considered.

II. Rejections under 35 U.S.C. § 112, first paragraph

The present Office Action rejected claims 10-13 under 35 U.S.C. § 112, first paragraph as allegedly failing to comply with the written description requirement. Specifically, the present Office Action stated that “The article of manufacture cannot be found in the specification.”

While it is believed that this rejection does not have merit, the specification is nevertheless amended as shown so as to facilitate prosecution. More particularly, the specification is amended to include the recitations from claims 9-13 (which explicitly recite an/the “article of manufacture” and which was recited in these claims at the time of filing), thereby providing further written description support for the “article of manufacture” recited in claims 10-13.

Further written description support for claims 10-13 can also be found, for example, in page 5, lines 19-22; page 21, lines 6-9; and elsewhere in the present application that describe the storage medium that makes up the article of manufacture.

In view of at least the above, it is kindly requested that the rejections of claims 10-13 under 35 U.S.C. § 112, first paragraph be withdrawn.

III. Rejection under 35 U.S.C. § 101

The present Office Action rejected claims 2-6 and 8 under 35 U.S.C. § 101, for allegedly failing to fall within one of the statutory categories of invention. The present Office Action indicated that a statutory “process” must (1) be “tied to another statutory category (such as a particular apparatus), or (2) transform underlying subject matter (such as an article or material) to a different state or thing.”

It is believed that independent claim 8 as previously presented complied with such requirement(s) under 35 U.S.C. § 101 as set forth by the present Office Action. For example, claim 8 recites, *inter alia*, “**converting** a color format of the video frames from a first format to a second format” (emphasis ours). It is respectfully submitted that such “converting” meets the “transformation” requirement because the video frame is being transformed/converted from one state (“first format”) to another/different state (“second format”).

However, in order to make claim 8 further compliant under 35 U.S.C. § 101 and to facilitate prosecution, claim 8 is nevertheless amended herein to recite, *inter alia*, “performing, **by a hardware processor**, hierarchical Human Visual System (HVS)-based pre-processing to filter high frequency information...” (emphasis added). Support for this amendment can be found, for example, on page 21, lines 6-9; page 20, line 12; and elsewhere throughout the present application.

In view of this amendment to claim 8 to recite a “hardware processor,” it is respectfully submitted that the method of claim 8 is explicitly “tied to another statutory category (such as a particular apparatus).” Accordingly, the rejection of claim 8 under 35 U.S.C. § 101 should be withdrawn.

It is noted that not all of the elements of claim 8 are amended herein to explicitly recite that they are performed by the “hardware processor” or other apparatus. To be “tied to another statutory category (such as a particular apparatus),” there is no requirement that *all* elements of a method claim be tied to the “hardware processor” or other apparatus. Rather, tying

at least one element (in this case the “performing” of the HVS-based pre-processing) to the hardware processor is sufficient.

If the Examiner believes that additional elements in claim 8 need to be tied to an apparatus, then the Examiner is kindly requested to contact the undersigned attorney to discuss such issue(s) and further kindly requested to elaborate on the reasoning as to why such additional tying to an apparatus is believed to be needed. The Examiner’s cooperation and assistance in this regard would be very much appreciated.

IV. Allowable subject matter

The Examiner is thanked for indicating that claims 15-19, 21-23, and 25-28 are allowed.

V. Conclusion

If there are any informalities or questions that can be addressed via telephone, the Examiner is encouraged to contact the attorney of record (Dennis M. de Guzman) at (206) 407-1574. The Director is authorized to charge any additional fees due by way of this Amendment, or credit any overpayment, to our Deposit Account No. 500393.

All of the claims remaining in the application are believed to be allowable. Favorable consideration and a Notice of Allowance are earnestly solicited.

Respectfully submitted,
Schwabe, Williamson & Wyatt

/Dennis M. de Guzman/

Dennis M. de Guzman
Registration No. 41,702

DMD:

1420 Fifth Avenue, Suite 3010
Seattle, Washington 98101
Phone: (206) 407-1574
Fax: (206) 292-0460
5049934_1.DOC